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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,914	06/29/2000	Chingwei Peter Cheng	ORCL5638	2945

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EXAMINER

COLON, CATHERINE M

ART UNIT PAPER NUMBER

3623

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/607,914

Applicant(s)

CHENG ET AL.

Examiner

C. Michelle Colon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13, 15-27 and 29-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-27 and 29-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a Non-Final Office Action in response to the communication received on July 26, 2004. Claims 1, 15 and 29 have been amended. Claims 14, 28 and 42 have been cancelled. Claims 1-13, 15-27 and 29-41 are now pending in this application.

#### ***Response to Amendment***

2. Applicant's amendments to claims 1, 15 and 29 are acknowledged.

#### ***Response to Arguments***

3. Applicant's arguments are moot in view of the new grounds of rejections provided below.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 15 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite, "selecting... a calculation period;" however, nowhere in the remainder of the claims is a calculation period used. Therefore, the relevance of a calculation period is unclear. For purposes of

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examination, the Examiner is interpreting the calculation period to be the two selected historical time periods in the computing step of the claims.

Additionally, claims 1, 15 and 29 recite, "selecting... a comparison method," and further, "the difference and the percentage measure growth being determined... according to the selected comparison method." It is unclear exactly how the comparison method affects the difference and the percentage measure, particularly since the steps of the comparison method are not defined in the claims and the claims merely recite that the difference and the percentage measure growth are determined *according to* a selected method. The scope of the phrase, according to, is unclear. Additionally, one of ordinary skill in the art would interpret calculating a *difference* as a mere subtraction, but the claims allude to the possibility of a *plurality* of comparison methods, thus further making unclear the relationship between the difference and the percentage measure and the comparison method. For purposes of Examination, the examiner is interpreting the comparison method as mere subtraction.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-13, 15-27 and 29-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deaton et al. (U.S. 5,638,457).

As per claim 1, Deaton et al. discloses a computer-implemented method of categorizing an individual customer, comprising the steps of:

selecting and storing in a computer a measure on which the status of the individual customer is to be analyzed (col. 5, lines 5-15; The status of a customer is measured by the customer's transactional history (i.e., frequency and dollar volume).);

selecting and storing in the computer a calculation period (col. 6, lines 8-11; The transaction frequency and dollar volume are determined over specified time intervals.);

selecting and storing in the computer a comparison method (col. 6, lines 6-19; The system allows a user to select transactional limits and time intervals to perform the customer analysis.);

causing the computer to compute a lifecycle factor for the individual customer, the lifecycle factor being computed by determining the difference of the transactional data over two selected historical periods according to the selected comparison method (col. 6, lines 24-41; Tables 5 and 6 in col. 77-78; The system determines the frequency and dollar volume spent per customer per selected time interval. Based on the calculated frequency and dollar volume spent, the system can compute the average dollar amount spent per customer per time interval as well as the percent of the total dollar amount spent per time interval.), and

categorizing the individual customer by evaluating a plurality of categorization criteria, at least one of the plurality of categorization criteria including the computed lifecycle factor (col. 8, lines 1-13; Customers are categorized based on the criteria computed in Tables 5 and 6.).

Deaton et al. does not expressly disclose causing the computer to compute a lifecycle factor for the individual customer, the lifecycle factor being computed by determining an absolute value of a difference of the selected measure and by multiplying the determined absolute value with a percentage measure growth of the selected measure, both the difference and the percentage measure growth being determined over two selected historical periods according to the selected comparison method. However, as discussed above, Deaton et al. does disclose computing transaction data for each customer such as frequency and dollar volume for each customer visit (Table 5). Thus, Deaton et al. has readily available the data necessary to determine the absolute difference of the selected measure (i.e., frequency and dollar volume) and the percentage measure growth over two selected time periods. Deaton et al. also discloses processing customers' transaction data for targeted marketing (col. 7, lines 56-60). Accordingly, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Deaton et al. to determine the absolute difference of the selected measure and the percentage measure growth over two selected time periods since doing so would provide an indication of a customer's shopping trend (i.e., shopping more often and spending more money versus shopping less often and spending less money), thus providing the system with data to use for enhancing targeted marketing efforts.

As per claim 2, Deaton et al. discloses the method of Claim 1, wherein the measure is selected from a group including number of orders, quantity of purchase and

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revenue attributable to the individual customer (col. 5, lines 5-15; Table 5; The selected measure is the customer's transactional history (i.e., frequency and dollar volume)).

As per claim 3, Deaton et al. discloses the method of Claim 1, wherein the calculation period is selected from a group including daily, weekly, monthly, quarterly, semi-annually and yearly (col. 6, lines 8-11; The transaction frequency and dollar volume are determined over specified time intervals including day, week, month, quarter.).

As per claim 4, Deaton et al. disclose the method of Claim 1, wherein the comparison method is selected from a group including period over period (col. 6, lines 8-11; The transaction frequency and dollar volume are determined over specified time intervals.). Deaton et al. does not expressly disclose year over year by period. However, Deaton et al. also discloses processing customers' transaction data for targeted marketing (col. 7, lines 56-60). Accordingly, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Deaton et al. to perform the comparison year over year by period since doing so would provide an indication of a customer's shopping trend (i.e., shopping more often and spending more money versus shopping less often and spending less money), thus providing the system with data to use for enhancing targeted marketing efforts.

As per claim 5, Deaton et al. discloses the method of Claim 1, wherein the categorizing step assigns a customer to one of a plurality of stages according to which of the plurality of categorization criteria is satisfied (col. 8, lines 1-13; Customers are categorized based on the criteria computed in Tables 5 and 6.).

As per claim 6, Deaton et al. discloses the method of Claim 5, wherein the plurality of stages includes at least one of New, Growing, Stable, Declining, Defected and Insignificant (col. 3, lines 60-62; The transactional data gathered from a customer is used to identify the customer as new or infrequent.).

As per claim 7, Deaton et al. discloses the method of Claim 6, wherein the New stage is based upon a date at which an account is established for the customer (col. 21, lines 30-33 and 45-50; col. 27, lines 9-19).

As per claim 8, Deaton et al. discloses the method of Claim 1, further comprising the step of selecting the customer according to at least one of a plurality of customer selection parameters (col. 60, lines 18-25, 34-37 and 64-67; col. 61, lines 7-11).

As per claim 9, Deaton et al. discloses the method of Claim 8, wherein the customer selection parameters include market segment, customer category, operating unit and geography (col. 60, lines 18-25, 34-37 and 64-67; col. 61, lines 7-11).

As per claim 10, Deaton et al. discloses the method of Claim 9, wherein the geography customer selection parameter includes at least one of a plurality of geographical sub-parameters, including area, country, region, state/province and city (col. 60, lines 18-25, 34-37 and 64-67; col. 61, lines 7-11).

As per claim 11, Deaton et al. discloses the method of Claim 8, wherein the customer selection step includes the step of accessing a remote database wherein customer information for a plurality of customers is stored (col. 4, lines 4-7 and 14-16).



As per claim 12, Deaton et al. discloses the method of Claim 11, wherein the accessing step accesses the database over a computer network (col. 4, lines 48-49; col. 9, lines 26-34; Figure 1).

As per claim 13, Deaton et al. discloses the method of Claim 12, including a computer network (col. 4, lines 48-49; col. 9, lines 26-34; Figure 1). However, Deaton et al. does not expressly disclose the computer network includes the Internet. It is old and well known that the Internet is a widely used network. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Deaton et al. to utilize the Internet because the Internet provides global access, thus enabling the system to work in stores at great geographic distances from each other.

Claims 15-27 and 29-41 recite substantially similar subject matter as claims 1-13 above. Therefore, claims 15-27 and 29-41 are rejected on the same basis as claims 1-13 above.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Melchione et al. (U.S. 5,966,695) discusses a sales and marketing support system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-4251. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

703-872-9306 [Official Communications; including After Final  
communications labeled "Box AF"]

703-746-7202 [For status inquiries, draft communication, labeled  
"Proposed" or "Draft"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA 7<sup>th</sup> floor receptionist.

  
cmc

February 22, 2005

  
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